

Development Management Sub Committee

Wednesday 13 January 2016

**Application for Planning Permission 15/05009/FUL
At 4B Gayfield Place, Edinburgh, EH7 4AB
Proposed change of use and conversion of offices to form 5
residential flats including re-instatement of existing windows
(as amended).**

Item number	4.3(a)
Report number	
Wards	A11 - City Centre

Summary

The proposal is acceptable in this location and will not have an adverse impact upon the character of the listed building, the New Town Conservation Area or the Edinburgh World Heritage Site. The proposal will provide acceptable living conditions for future occupiers and will not result in any loss of privacy, daylight or sunlight to neighbouring properties. The proposal will not have an adverse impact on traffic and road safety.

The application complies with the Development Plan and the relevant non-statutory guidelines. There are no material considerations that outweigh this conclusion and approval is recommended.

Links

[Policies and guidance for this application](#)

CITE1, CITE3, CITE4, CITH4, CITH5, CITI6, CITT3, CITT4, CITT5, NSGD02, NSLBCA, NSP, CRPNEW, CRPWHS,

Report

Application for Planning Permission 15/05009/FUL At 4B Gayfield Place, Edinburgh, EH7 4AB Proposed change of use and conversion of offices to form 5 residential flats including re-instatement of existing windows (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is located on at the corner of Gayfield Place and Gayfield Place Lane and relates to the lower ground floor and sub-basement levels of a classical and near-symmetrical four storey (with basement and attic) tenement block. The site is currently in office use (use class 4). The surrounding area is in mixed use.

Stepped entry is provided to the lower ground and sub-basement levels from Gayfield Place, and an entrance platt and steps provide entry to the lower ground and sub-basement levels from Gayfield Place Lane. There is a small communal garden to the rear accessed by steps from the sub-basement level, and a small landscaped terrace fronting part of Gayfield Place.

The site is category A listed (listed on 19 April 1966, ref. 28798), and is located within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

Minded to grant pending conclusion of a legal agreement for change of use from office accommodation to guesthouse/B&B (application number 14/01197/FUL).

30 April 2015 - Listed building consent granted for demolition works and alterations including creation of bedrooms, new kitchen, construction of new insulated floor and re-opening/creation of windows (application number 15/01192/LBC).

25 May 2015 - Enforcement investigation into alleged unauthorised internal works was concluded following confirmation that the works undertaken were minor and would not have required listed building consent (investigation number 14/00789/ELBB).

Decision pending for listed building consent for demolition works and alterations forming five proposed flats including creation of bedrooms, new kitchens, construction of new insulated floor and re-opening/creation of windows (as amended) (application number 15/05010/LBC).

Main report

3.1 Description Of The Proposal

The application as amended seeks consent for the change of use of the site from offices to five residential flats, two on the sub-basement floor and three on the lower ground floor. The flats will comprise 2 x two bedroom units and 3 x one bedroom units.

The flats have the following internal floor areas:

- Flat 1 (1 bed) = 53 sqm
- Flat 2 (1 bed) = 53 sqm
- Flat 3 (2 bed) = 95.6 sqm
- Flat 4 (1 bed) = 85 sqm
- Flat 5 (2 bed) = 84 sqm

Flat 5 will have direct access to the garden to the rear, the use of which is also shared by some of the neighbouring properties. The existing cellar stores and external areas will be used for refuse and recycling storage, and for cycle parking. No off-street parking is proposed.

To the front, external works comprise the removal of non-original security bars from a window at lower ground level, the reopening of two bricked up windows at sub-basement level, and the creation of a new window opening with stone cill and lintel at sub-basement level. The new and reinstated windows will be fitted with timber sash and cases with astragals to match the existing windows.

To the rear, external works comprise the reopening of an existing bricked up window at sub-basement level, the replacement of the existing timber door with a timber framed glazed door, the replacement of a non-original window frame with a traditional timber sash and case at lower ground level, and three extraction vents. The new and reinstated windows will be fitted with timber sash and cases with astragals to match the existing windows.

Two extraction vents are also proposed to be located to the side elevation fronting Gayfield Place Lane.

Internal alterations required to facilitate the proposed change of use are assessed under the associated application for listed building consent (application number 15/00817/LBC).

Scheme 1

The following amendments have been made to the original application:

- Vents have been removed from the front elevation and relocated to the rear and side elevations.
- A stone lintel and cill has been added to the new window at sub-basement level.
- Bedroom 1 in flat 4 has been removed and changed to a storage area only.
- The application boundary has been amended to include the curtilage of the development.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of a change of use is acceptable;
- b) there is any adverse impact on the character of the listed building or its setting;
- c) there is any adverse impact on the character and appearance of the conservation area and Edinburgh World Heritage Site;
- d) the proposal will result in acceptable living conditions for future occupiers;
- e) there is any adverse impact on neighbouring amenity;
- f) there is any adverse impact on traffic or road safety;
- g) any impacts on equalities or human rights are acceptable; and
- h) comments raised have been addressed.

a) Principle

The application site is situated in the Urban Area where a mix of uses, including residential, are acceptable in principle.

Edinburgh City Local Plan (ECLP) Policy Hou 5 (Conversion to Residential Use) supports changes of use from non-residential uses to housing in principle. This is subject to the creation of a satisfactory residential environment including parking and amenity space, compatibility with nearby uses, and the proposal being acceptable when assessed against other relevant policies.

In this case, a range of residential flats will be provided within a mixed use area. A detailed assessment of the proposal is set out in sections b) to g) of the assessment.

The proposal is acceptable in principle.

b) Impact on Listed Building

The proposed change of use to residential is acceptable from a listed building perspective particularly given that it is likely that the building's original use was residential.

The reopening of three bricked up windows at sub-basement level, the removal of non-original security bars from a window at lower ground level, and the replacement of a non-original window frame with a traditional timber sash and case at lower ground level represent a conservation gain.

The principle of the creation of a new window on the front elevation at sub-basement level has already been established in the previous applications for the conversion of the site to a guest house (application numbers 15/01192/LBC and 14/01197/FUL). The addition of a stone cill and lintel will ensure that the new window is in keeping with the existing window openings.

All new windows will be timber sash and case with astragals to match the existing windows, which is acceptable. A condition has been added to ensure that new glazing is slimline with a cavity of no more than 6 mm in compliance with non-statutory guidance.

A condition has also been added to ensure that glazing panels within the reopened bay windows on the front elevation are curved to match the existing detailing on the ground floor bay window.

The replacement of the existing timber door with a timber framed glazed door to the rear sub-basement level is acceptable.

Ventilation outlets will be positioned on the rear and side elevations only. This is acceptable and complies with the Council's non-statutory guidance on Listed Buildings and Conservation Areas.

The proposal will not have an adverse impact on the architectural or historic interest of the building. As the work is related to the existing built fabric, the proposal will not have an adverse impact on its setting.

The proposal complies with ECLP policies Env 3 (Listed Buildings - Setting) and Env 4 (Listed Buildings - Alterations and Extensions), and the Council's guidance on Listed Buildings and Conservation Areas.

c) Impact on Conservation Area and Edinburgh World Heritage Site

The New Town Conservation Area Character Appraisal notes that:

Gayfield, standing between the main routes to Leith has always been varied in character. It is beyond the commercial core of the City Centre yet not wholly within a clearly residential area. As a result there has always been a substantial residential population living amongst other uses. This variety has been extended by redevelopment and by the conversion of residential property to office use.

The change of use to residential flats will be in keeping with the mixed use character of this part of the New Town Conservation Area and the Edinburgh World Heritage Site.

The reinstatement of original window openings represents a conservation gain and the creation of a new window at sub-basement level will be in keeping with other windows at sub-basement level.

Ventilation outlets will be directed to the side and rear of the building and therefore will not have an adverse impact on the character and appearance of the conservation area or the Edinburgh World Heritage Site.

There will be no adverse impacts on the character and appearance of the New Town Conservation Area or the Edinburgh World Heritage Site.

The proposal complies with ECLP policies Env 1 (World Heritage Site) and Env 6 (Conservation Areas - Development), and the Council's guidance on Listed Buildings and Conservation Areas.

d) Living Conditions

The individual flats exceed the minimum standards for floor areas as set out in the Council's Edinburgh Design Guidance. The surrounding area comprises a number of flatted properties not dissimilar in density to this proposal. The proposal will not result in the overdevelopment of the site.

The proposal seeks to convert existing office space including sub-basement storage areas to living accommodation. An assessment has been undertaken to establish if the windows (existing and proposed) will provide sufficient daylight into this accommodation.

The Edinburgh Design Guidance sets out a daylight standard referred to as the 'no sky line' method. This method requires the sky to be visible within the front half of the room that is being assessed and relates to all rooms with the exception of bathrooms, stores and hallways.

On assessment all applicable rooms meet this standard and therefore the level of daylight achieved is acceptable. Despite the position of the entrance platt directly above the bedroom window associated with flat 1, sky is visible to either side and it is evident that this room has been used as living accommodation in the past given the presence of features including a storage press, fireplace and a dado rail.

The outlook of the flats is restricted by their position below ground level. However, this arrangement is well established in the New Town where windows sit behind retaining walls and stores. The outlook achieved is acceptable in this case having regard to the character of the surrounding area.

There is a small amount of grassed amenity space provided to the rear in connection with flat 5 and small external areas to the front of each of the flat entrances. The limited amount of dedicated amenity space is acceptable in this case as this arrangement is generally indicative of flatted properties in city centre. In addition, there are a number of public parks accessible from the site.

The existing cellar stores and external areas will be used for refuse and recycling storage, which is acceptable.

Environmental Assessment raises no objections to the proposal.

The proposal will provide a satisfactory living environment for future occupants, and is acceptable. The proposed use is compatible with the mix of surrounding uses.

The proposal complies with ECLP Policy Hou 4 (Density) and Hou 5 (Conversion to Residential Use) and the Edinburgh Design Guidance.

e) Impact on Amenity

The proposal will not give rise to any loss of privacy, daylight or sunlight to surrounding properties. The new and reopened windows are situated at sub-basement level and will not result in overlooking to the detriment of neighbouring amenity.

The proposed use is compatible with the mix of surrounding uses and is of an appropriate density.

Environmental Assessment raises no objections to the proposal with respect to noise or disturbance.

There will be no adverse impacts on neighbouring amenity.

The proposal complies with ECLP Policy Hou 8 (Inappropriate Uses in Residential Areas) and the Edinburgh Design Guidance.

f) Impact on Traffic and Road Safety

The proposal does not provide any car parking spaces within the site. Cycle parking is to be provided within the existing cellar and external spaces which is acceptable.

Transport has raised no objections to the proposal particularly given that the site is located close to good public transport provision including being within walking distance of Waverley Station.

Transport identified a contribution of £17,000 towards the Edinburgh Tram; however the existing office has a higher predicted usage compared to a residential use as confirmed in the Council's guidance on Developer Contributions and Affordable Housing. The new use will have a lesser impact on its surroundings than the existing use and therefore no contribution is required in this instance.

There will be no adverse impact on traffic or road safety.

The proposal complies with ECLP policies Tra 4 (Private Car Parking) and Tra 5 (Private Cycle Parking), and the Council's guidance on Parking Standards.

g) Equalities and Human Rights

Three out of the five flats are accessible only by stair. Subject to the design being acceptable, stair lifts could be explored to facilitate access for people with mobility difficulties if required. An alteration of this nature would require planning permission and listed building consent. All of the flats have level access internally.

There are no issues of concern with regard to equalities and human rights.

h) Public Comments

Twenty two representations have been received including one from the Gayfield Place Owners Association. All of the representations raise objections to the proposal.

Three representations also confirm support for the principle of the change of use.

The objections are summarised as follows:

Material Representations - Objections

- Overdevelopment - this has been addressed in section 3.3d) and e) of the assessment.
- Sub-basement level does not provide adequate living environment particularly with regard to daylight and outlook - this has been addressed in section 3.3d) of the assessment.
- Vents detrimental to listed building - this has been addressed in section 3.3b) of the assessment.
- Detrimental to character of building - this has been addressed in section 3.3b) of the assessment.
- Refuse storage is not acceptable - this has been addressed in section 3.3d) of the assessment.

- Detrimental impact on privacy - this has been addressed in section 3.3e) of the assessment.
- Plans in relation to window alterations are unclear and inappropriate - revised plans were submitted to clarify this aspect of the proposal and relevant conditions have been added.
- Original parts of the building should not be removed - this is addressed in the associated listed building consent application (application number 15/00817/LBC).
- Detrimental impact on drainage and sewage - flats will connect to existing arrangement as used by offices.
- Noise disturbance - this has been addressed in section 3.3e) of the assessment.
- Inaccuracies/lack of detail on drawings - revised drawings were subsequently submitted to address concerns.

Non-material Representations

- Ventilation inadequate at sub-basement level - this aspect of the proposal will be dealt with under separate legislation in association with Building Standards.
- Stability of building - this aspect of the proposal will be dealt with under separate legislation in association with Building Standards.
- Site could be used as a hostel or HMO.
- Maintenance of communal space.
- Unclear as to whether flats will be sold or let and how many occupants there will be.
- Proposal will set a precedent.
- Flats may be for socially needy people.

A number of comments raised concerns that the land within the application boundary is not owned solely by the applicant, particularly with regard to the solum at sub-basement level. The applicant has reconfirmed that they own everything indicated within the application boundary (as amended). On this basis of this confirmation the correct land ownership certificate has been completed as part of this application.

Community Council

No comments received.

Conclusion

The proposal is acceptable in this location and will not have an adverse impact upon the character of the listed building, the New Town Conservation Area or the Edinburgh World Heritage Site. The proposal will provide acceptable living conditions for future occupiers and will not result in any loss of privacy, daylight or sunlight to neighbouring properties. The proposal will not have an adverse impact on traffic and road safety.

The application complies with the Development Plan and the relevant non statutory guidelines. There are no material considerations that outweigh this conclusion and approval is recommended.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. All new double glazing hereby approved shall be slimline with a cavity of no more than 6 mm.
2. New glazing panels within the reopened bay windows on the front elevation associated with the kitchen/dining/living room for flat 4 hereby approved shall be curved to match the profile of the existing glazing panels on the bay windows on the upper floors.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should be advised that they will be eligible for one residential parking permit for each property in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category B).

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Twenty two representations have been received including one from the Gayfield Place Owners Association. All of the representations raise objections to the proposal. Three representations also confirm support for the principle of the change of use.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located within the Urban Area, the New Town Conservation Area and the Edinburgh World Heritage Site. The site is category A listed.

Date registered

30 October 2015

Drawing numbers/Scheme

01B, 02A, 03A, 04B, 05D, 06,

Scheme 2

John Bury

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Links - Policies

Relevant Policies:

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 15/05009/FUL At 4B Gayfield Place, Edinburgh, EH7 4AB Proposed change of use and conversion of offices to form 5 residential flats including re-instatement of existing windows (as amended).

Consultations

Historic Environment Scotland

Historic Environment Scotland does not object to this application and we do not have any comments to make on the proposals.

Transport

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £17,000 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report (based on 5 residential units in Zone 1);*
- 2. The applicant should be advised that they will be eligible for one residential parking permit for each property in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category B).*

Note:

The applicant proposes to provide 0 parking spaces which is acceptable under Council's current parking standards.

Environmental Assessment

Environmental Assessment offers no objection.

Location Plan



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